

**CHIROPRACTIC EXAMINING BOARD
REGULAR MEETING
MARCH 21, 2002**

MEMBERS PRESENT: Susan Feith; James Greenwald, DC; James Rosemeyer, DC; Bevier Hasbrouck Sleight, III, DC; Dale Strama, DC

MEMBER EXCUSED: Char Glocke

STAFF PRESENT: Kimberly Nania, Bureau Director; John Schweitzer, Legal Counsel; Karen Rude-Evans, Program Assistant

GUESTS: James Weber, DC (newly appointed Board member, but not yet confirmed); Leslie Grendahl and Roberta Statz, WVMA; Larry Mahr, DVM, Veterinary Examining Board; Julie Kaufmann, DC; Sherry Walker, DC, WCA; Ron Hermes and Bill Boissonnault, WPTA

CALL TO ORDER

Chair Dale Strama called the meeting to order at 8:04 a.m.

APPROVAL OF AGENDA

MOTION: James Greenwald moved, seconded by Bevier Sleight, to approve the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF FEBRUARY 21, 2002

MOTION: Bevier Sleight moved, seconded by James Greenwald, to approve the minutes of February 21, 2002 as written. Motion carried unanimously.

INTRODUCTIONS OF NEW DEPARTMENT STAFF

Barb Showers introduced Gail Pizarro the new examinations specialist at the Department. Ms. Pizarro will be working closely with Darwin Tichenor to become familiar with the Chiropractic examinations, and she will eventually take over this role.

The new administrator for the Division of Credentialing, Lori Huntoon, was not available.

PRESENTATION OF PROPOSED STIPULATIONS

TROY E BRUESEWITZ, DC

John Schweitzer presented a proposed stipulation in the matter concerning Troy E. Bruesewitz. This matter will be deliberated on in closed session.

SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES

These reports were informational.

PRESENTATION REGARDING THE PRACTICE OF ANIMAL CHIROPRACTIC

Julie Kauffman, DC, and Larry Mahr, DVM, of the Veterinary Examining Board, spoke to the Board regarding issues surrounding the practice of animal chiropractic. Recently, veterinary referrals to animal chiropractors have waned, and several possible reasons were cited for this occurring. The Board indicated it would be willing to further discuss the issue of animal chiropractic with the Veterinary Examining Board.

CORRESPONDENCE FROM WCA

The Board reviewed the correspondence from WCA regarding proposed rule changes.

MOTION: Bevier Sleight moved, seconded by James Greenwald, to allow James Rosemeyer and Dale Strama to attend a WCA Board meeting to discuss the proposed rules relating to paraphysiological space. Motion carried unanimously.

PRACTICE QUESTION

The Board reviewed correspondence from Julie Kitchen and directed legal counsel to reply.

PUBLIC HEARING ON PROPOSED RULES RELATING TO CONTINUING EDUCATION CREDIT FOR PHILOSOPHY

Chair Dale Strama called to order at 8:39 a.m. the public hearing on proposed rules relating to continuing education credit for philosophy. Written comments and testimony must be received by the Department no later than April 5, 2002. Sherry Walker, WCA, was the only registered speaker, and spoke in opposition to the proposed rules. The public hearing was adjourned at 9:06 a.m.

REVIEW OF COMMENTS ON PROPOSED RULES RELATING TO CONTINUING EDUCATION CREDIT FOR PHILOSOPHY

The Board reviewed the comments and took them under consideration.

PRESENTATION FROM NORTHWESTERN COLLEGE REGARDING INTERNET-BASED CONTINUING EDUCATION

A representative from Northwestern College gave a presentation on the internet-based continuing education courses offered by that institution. The presentation was very informative.

REVIEW AND DISCUSSION OF AB 615 RELATING TO PHYSICAL THERAPISTS AND PHYSICAL THERAPIST ASSISTANTS

The Board discussed AB 615 with Ron Hermes and Bill Boissonnault, WPTA representatives. The Board was very concerned with the language of this bill, as it appears to expand the scope of practice for physical therapists into an area where, in the Board's opinion, there is inadequate training. James Greenwald asked Bill Boissonnault to provide to the Board the number of hours of training in spinal manipulation that are included in an undergraduate physical therapy degree. Mr. Boissonnault said he could not provide specific hours in spinal manipulation. Mr. Boissonnault said he learned spinal manipulation in post-graduate training.

MOTION: James Rosemeyer moved, seconded by Susan Feith, to petition Governor McCallum to not sign AB 615 into law as it expands the scope of practice of physical therapists beyond their training and is a danger to the health, safety and welfare of the public. Bevier Sleight – no. Motion carried.

INQUIRIES RECEIVED BY LEGAL COUNSEL

The Board reviewed the inquiries and directed legal counsel's responses.

PRECEPTOR APPROVALS

MOTION: Bevier Sleight moved, seconded by James Greenwald, to approve **Scott Bautch** and **Gayle Martin** as preceptors. Motion carried unanimously.

DISCUSSION WITH ALJ WAYNE AUSTIN REGARDING ISSUES IN THE GOLDE DECISION

The board conferred with ALJ Austin regarding his opinion of Dr. Golde's credibility when he denied the charges. Mr. Austin stated that he accepted the denial as a legal response to the complaint that then required the prosecutor to prove the charges, but that he did not make a finding that Dr. Golde's denial was either credible or incredible.

DISCUSSION OF SOUTH DAKOTA RULES RELATING TO THE DEFINITION OF THE PRACTICE OF CHIROPRACTIC

The Board briefly discussed the South Dakota rules relating to the definition of the practice of chiropractic.

RECESS TO CLOSED SESSION

MOTION: Bevier Sleight moved, seconded by James Rosemeyer, to allow James Weber, DC, to sit in on closed session, however he is not allowed to participate in deliberations or vote. Motion carried unanimously.

MOTION: Bevier Sleight moved, seconded by James Rosemeyer, to recess to closed session pursuant to Chapter 19.85(1)(a), (b), (f) and (g), Wis. Stats., for the purpose of deliberating on a proposed decision, deliberating on a proposed

stipulation, reviewing an annual report, reviewing applications, reviewing case status report and consulting with legal counsel. Roll call vote: Susan Feith – yes, James Greenwald – yes, James Rosemeyer – yes, Bevier Sleight – yes, Dale Strama - yes. Motion carried unanimously.

Open session recessed at 11:36 a.m.

RECONVENE IN OPEN SESSION

MOTION: Bevier Sleight moved, seconded by James Rosemeyer, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 12:50 p.m.

VOTING ON ITEMS CONSIDERED/DELIBERATED ON IN CLOSED SESSION

PROPOSED STIPULATION

TROY E BRUESEWITZ, DC

MOTION: James Greenwald moved, seconded by Bevier Sleight, to adopt the Findings of Fact, Conclusions of Law and Order in the matter concerning Troy E. Bruesewitz, DC. Motion carried unanimously.

PROPOSED DECISION

GENE E VRADENBURG, DC

MOTION: James Greenwald moved, seconded by Bevier Sleight, to adopt the Findings of Fact and Conclusions of Law in the matter concerning Gene E. Vrandenburg, DC, but to vary from the decision and order and to seek revocation of Dr. Vrandenburg's license. Motion carried unanimously.

REVIEW ANNUAL REPORT

RICHARD RANICKE, DC

The Board reviewed the annual report from Richard Ranicke, DC.

MOTION: James Rosemeyer moved, seconded by James Greenwald, to not require Richard Ranicke, DC, to make a personal appearance. Motion carried unanimously.

APPLICATION REVIEWS

MARK S TONN, DC

MOTION: James Rosemeyer moved, seconded by Susan Feith, to approve the application of Mark S. Tonn, DC. Motion carried unanimously.

SHAWN GIESE, DC

MOTION: James Greenwald moved, seconded by James Rosemeyer, to deny the application of Shawn Giese, DC. The Board would be willing to consider granting a license if Dr. Giese is willing to submit to a psychological evaluation conducted by an evaluator approved in advance by the Board, and to follow through with any recommendations made by the evaluator. Motion carried unanimously.

CASE STATUS REPORT

MOTION: Susan Feith moved, seconded by Bevier Sleight, to close complaint **01 CHI 055** as it was opened in error. Motion carried unanimously.

MOTION: James Rosemeyer moved, seconded by Bevier Sleight, to close complaint **01 CHI 054** as it was opened in error. Motion carried unanimously.

OTHER BOARD BUSINESS

John Schweitzer had spoken with the Department's Legislative Liaison, Myra Shelton, regarding the Board's desire to contact Governor McCallum regarding AB 615. Ms. Shelton said the Chiropractic Examining Board's opposition could be included in the Department's analysis of AB 615 that is sent to the Governor. It was the Board's opinion that this would not be an effective way to express their deep concerns regarding this legislation.

MOTION: James Rosemeyer moved, seconded by James Greenwald, to draft a letter detailing the Board's concerns regarding AB 615, and to have a member of the Board hand deliver the letter to Governor McCallum. Bevier Sleight abstained. Motion carried.

ADJOURNMENT

MOTION: Bevier Sleight moved, seconded by Susan Feith, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 1:26 p.m.

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